

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Nagipe Jutawin Stanley,)	Case No. 8:23-cv-01261-DCC
a/k/a Julia Stanley,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Oconee County and John Does 1–6,)	
)	
Defendants.)	
_____)	

This matter is before the Court on Plaintiff's pro se Complaint. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation ("Report"). On June 5, 2023, the Magistrate Judge issued a Report recommending that this action be dismissed without issuance of service of process and without leave to amend. ECF No. 16. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences for failing to do so. Plaintiff filed objections to the Report.¹ ECF No. 18.

¹ Plaintiff labeled the document as "Motion for Reconsideration or Notice of Appeal." ECF No. 18. However, as no final ruling has been issued in this action, the document is construed as objections to the Report.

APPLICABLE LAW AND ANALYSIS

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

The Magistrate Judge has provided a thorough recitation of the facts and applicable law, which the Court incorporates by reference. Plaintiff’s objections largely fail to address the recommendations of the Magistrate Judge and instead explain her current circumstances.² Nevertheless, out of an abundance of caution for a pro se party, the Court has conducted a de novo review of the Report, the record, and the applicable law. Upon such review, the Court agrees with the recommendation of the Magistrate

² The Court notes that Plaintiff clarifies that she was arrested on February 7, 2023.

Judge. Accordingly, this action is **DISMISSED** without prejudice, without issuance of service of process, and without leave to amend.³

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

October 5, 2023
Spartanburg, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

³ The Court declines to exercise supplemental jurisdiction over any state law claims.